

GROUND WATER PROTECTION STEERING COMMITTEE

Meeting Summary for May 20, 2003

PLEASE NOTE:

The next meeting of the Steering Committee will be held on Tuesday, July 15, 2003 from 9 AM – 11 AM, Department of Environmental Quality, First Floor Conference Room, 629 East Main Street, in Richmond.

Contact Mary Ann Massie at 804-698-4042 for details

ATTENDANCE:

Steering Committee members in attendance:

Chris Adkins, Virginia Department of Health (VDH)

Rebecca S. Askew, Virginia Department of Agriculture and Consumer Services (VDACS)

Jody Aston, Department of Conservation and Recreation (DCR)

Howard Freeland, Department of Environmental Quality (DEQ), Waste Division

Larry Lawson, Mary Ann Massie, Terry Wagner, Department of Environmental Quality (DEQ)

Wyatt Little, Department of Housing and Community Development (DHCD)

Jim McKean, Department of Business Assistance (DBA)

Others:

Frank Dukes, facilitator, *Christine Gyovai*, recorder, Institute for Environmental Negotiation, University of Virginia

Sam Hamilton, Virginia Ag-Business Council

Judy Poff, Virginia Water Resources Research Center

Agencies not in attendance:

Virginia Cooperative Extension (VCE)

Department of Mines, Minerals, and Energy (DMME)

U.S. Geological Survey (USGS)

Chesapeake Bay Local Assistance Department (CBLAD)

AGENCY UPDATES

Department of Housing and Community Development (DHCD)

Wyatt Little reported that DHCD is developing strategic plans to focus on what the agency can do with limited state and federal resources. There will be a strong water component to their plan.

Department of Environmental Quality (DEQ), Waste Division

Howard Freeland reported the Waste Division of DEQ lost two ground water staff positions when solid waste permitting became regionalized. The ground water staff gained a staff member who reviews part A's for landfills as 60% of his duties and has 40% ground water review duties. There are currently 3.4 FTE's to do the same amount of work that five people formerly performed.

A half-dozen landfills have been found with streams that have been impacted with an iron precipitate from bacteria that causes the water to look "fibrous" and "rusty." DEQ is trying to determine the nature of the problem and whether the Water or Solid Waste Division should be responsible for addressing the problem. The situation seems to involve ground water discharging to surface water, and it seems to be more common than previously thought.

There was some discussion about whether these landfills were in violation of their permits. Under the Virginia Solid Waste Management Regulations (9 VAC 20-80-10 et seq) it is not a violation to contaminate ground water; the violation occurs when the landfill does not take steps to address the problem once it has been identified. This problem is found in many older landfills without liners as generated leachate migrates to the ground water.

There are 275 landfills currently monitoring ground water in Virginia. 118 sanitary landfills are still active in Virginia, and 157 are closed. The closed landfills are capped and no longer receiving waste, but still have a post-closure period where they must monitor ground water. All active landfills will be required to have a liner by the year 2020. There is a requirement of one upgradient monitoring well, and as many downgradient as are required to monitor the site (with a minimum of 3).

About five landfills are Superfund sites. There is more information about those Superfund sites in Chapter 4 of the 305(b) Water Quality Assessment Report, which may be found on the DEQ website at www.deq.state.va.us/water/305b.html.

Virginia Department of Health (VDH), Office of Drinking Water

Chris Adkins reported that VDH had essentially completed the Source Water Assessment Program (SWAP) by its April 30 deadline. Only two source public water supply systems out of the 338 surface water systems were not completed on time. 2,906 ground water source assessments are complete, with 126 not yet completed.

As new systems come on line, full source water assessments are not being conducted. Rather, assessments are being performed in conjunction with regular sanitary assessments. These generally occur every 12-18 months. VDH will ask if owners/operators are aware of new sources of contamination or other relevant information, document it, gather information about the location, and then update the existing GIS data-set. If there is a significant change VDH will regenerate the entire report. One purpose of the SWAP program is to create public awareness about the situation, and to encourage localities to do wellhead protection planning and source water protection planning. There will now be an opportunity for a locality to come to the agency and ask to have their rating reviewed, and there is a possibility that VDH will redo the

assessment with the new information. The current process is more responsive to individual localities' needs.

Low-interest loans are currently available for purchasing land and conservation easements within these communities. VDH personnel have expressed interest in having another program that is targeted at the county administrators to open new channels of communication and awareness regarding the assessment results.

VDH's contract with Virginia Rural Water Association for source water planning and outreach expires at the end of June. The bid for the RFP went out last month, and VDH received nine proposals. The new contract will be offered for up to four years, and is limited to less than \$100,000 per year. The new contract will not include the Coastal Plain since that area is less vulnerable than other parts of Virginia due to the presence of highly confined aquifers. The focus will now rest on the 600 or so small community water systems serving fewer than 3,300 people. Many such systems have few resources and great needs. Another problem with the original contract was that one person had to cover the entire state. Now it might be easier for that person to focus on one part of the state.

Virginia Department of Agriculture and Consumer Services (VDACS)

Rebecca S. Askew reported on the Agricultural Stewardship Program, the Virginia Plastic Pesticide Container Recycling Program, and the Virginia Pesticide Disposal Program. The Agricultural Stewardship Program works with farmers and local Soil and Water Conservation Districts to resolve water quality complaints reported to VDACS. Six complaints were received during the month of April 2003. From the program's inception to April 20, 2003, the Program has received a total of 230 complaints.

The Plastic Pesticide Container Recycling Program offers the agricultural community as well as pest control firms an environmentally responsible alternative for the disposal of properly rinsed plastic pesticide containers. In 2002, the program recycled approximately 56,000 pesticide containers in twenty localities and fourteen dealer locations.

The Pesticide Disposal Program provides the agricultural community, pesticide dealers, and pest control firms with a method to properly dispose of unwanted, outdated and banned pesticides. In 2002, the program was conducted in 35 localities and 31,998 pounds (16 tons) of pesticides were collected. 948,728 pounds (474 tons) of pesticides have been collected since the program's inception.

Department of Environmental Quality (DEQ), Office of Water Resources Management

Terry Wagner reported on the Drought Assessment and Response Plan. Governor Warner's Executive Order #39 required the completion of a drought response plan for the Commonwealth by April 11, 2003. A technical advisory group composed of a broad base of stakeholders met in February and March and completed a draft plan. The plan, along with a transmittal letter containing additional recommendations necessary to implement the draft plan

was submitted to the Secretary of Natural Resources on March 28. Copies of the plan and transmittal letter are available at www.deq.state.va.us/info/droughttac.html.

Senate Bill 1221 requires DEQ to develop draft requirements for local or regional water supply plans and a draft water resources plan for the Commonwealth by December 1, 2003. DEQ has reconvened the Water Policy TAC and contracted with a professional facilitator to accomplish this effort. The TAC has been tasked with providing guidance to DEQ in the development of a water supply planning regulation. The TAC held its first meeting on April 28 and is scheduled to meet again on May 23. Meeting summaries and other activities of the group can be tracked at <http://www.deq.state.va.us/info/waterpolicy.html>.

DEQ has recently entered into a cooperative agreement with the USGS to revise the Eastern Shore Ground Water Flow Model. DEQ's contribution of \$108,000 will be used to support the collection of water quality and ground water age-dating information during the coming summer to support the data requirements of this effort.

At USGS, Chuck Heywood is continuing to make revisions to the Coastal Plain Flow Model. This was an effort that originally received state funding, but funding is currently coming from a USGS research grant and the Hampton Roads Planning District. Another effort in progress at USGS that was initiated in January is the Great Valley Water Sciences Forum created to look at surface and ground water resources in Virginia, West Virginia, Pennsylvania, and Maryland. The purpose of the Forum is to provide management information to local governments regarding water resources. Alan Shapiro, a USGS resource scientist, has agreed to spend significant staff time to develop a hydrogeologic framework and flow model for karst areas of the Shenandoah Valley.

There will be a public hearing on May 20 to solicit comments regarding the proposal to declare the James River in the Richmond Metro area (between the Route 522 bridge in Powhatan and the I- 95 bridge in Richmond) a Surface Water Management Area. The public comment period will close on June 6.

DEQ continues to investigate the potential to require Virginia Water Protection Permits of all surface water withdrawals in the Commonwealth. Pre-1987 intake structures are not currently required to obtain VWP permits. The issuance of VWP permits to all surface water withdrawals would eliminate the benefits of SWMA declaration.

VMRC denied the Newport News application for a reservoir in King William County. It is currently not known whether Newport News will appeal that decision. Ron Harris with Newport News Waterworks wants to schedule a pre-application conference for a ground water withdrawal permit for the second week in June. Their concept is to develop one or more additional brackish water reverse osmosis plants on the peninsula. Their declared demand for raw water will be between 5-15 million gallons per day. A concern was raised whether the agency can structure a ground water withdrawal permit to allow that volume of water within this highly stressed area.

Larry Lawson reported that the Department of Health and DEQ currently share joint responsibility for regulating sewage discharge. DEQ issues permits for the discharge and the Health Department reviews the planned specifications for how the facility will meet its requirements. The recent General Assembly voted to transfer those Health Department responsibilities to DEQ.

Mary Ann Massie reported that the amendment to the FY 2003 Grant that allows Tom Burbey to continue his work with springhead protection has been approved. Development of the FY2004 Grant will begin on June 1. There is a new grant manager at EPA, Frank Ciambrano, for next year due to reorganization of the Office of Watersheds into three new branches (VA/MD/DC branch, WV/PA/DE branch, and a Watersheds restoration branch).

Powhatan County Schools will participate in the Ground Water Festival at Camp Brady Saunders in Goochland in late September. There will be two days at Camp Kittamaqund under the direction of Audrey Brainard for Northumberland and Lancaster students. Other sites are currently under consideration. Work continues with the Office of Water Quality Management on monitoring strategies.

Department of Conservation and Recreation (DCR)

Jody Aston reported that they are preparing a new RFP for the \$319 grant that will come out soon. DCR now has a set-aside for the karst ground water protection program so it will be funded again.

Virginia Department of Business Assistance (DBA)

Jim McKean reported on the Environmental Compliance Fund that administers the Small Business Assistance Program, which is a program of the Clean Air Act. They have created a Small Business Compliance Fund to help businesses prior to enforcement actions. The money for the loan fund comes from an emergency response fund that is derived from fees and penalties. However, money that had been assigned to the Compliance Fund is at risk for other budgetary uses. For some time, the fund has been inactive. There is approximately \$400,000 for small business compliance loans, and over the last year, about 4 loans were granted.

Chesapeake Bay Local Assistance Department (CBLAD)

The CBLAD Annual Conference will be held September 17, 2003 in Richmond. Major topic areas follow: Resource Protection Area Buffer Management and Restoration; Stream Perenniality Determination Criteria; and Shoreline Erosion. The target audience will be local Chesapeake Bay program managers.

CBLAD has had a number of staff changes since the last Steering Committee meeting. Three new senior environmental planners have been added: Beth Baldwin, Alex Adams, and Brad Belo. They are assigned to the Northern Neck, RADCO and Hampton Roads localities, respectively. Margie Reynolds, Grants Manager, and Doug Wetmore, Principal Environmental Planner, will be leaving CBLAD at the end of June. Margie will be joining a local landscape

design firm and Doug will be relocating to Colorado to work with the Land Use Department of Boulder County. David Kovacs has taken a position with the Virginia Conservation Network.

The Center for Watershed Protection, using funds from CBLAD and the Coastal Program at DEQ, recently completed case studies on the use of Better Site Design Principles in James City and Richmond Counties. CBLAD and York County have produced an educational video on the values, function and management of riparian buffers under local Chesapeake Bay Preservation Act programs. The video should be available to the public by fall 2003. The draft Riparian Buffer Guidance Manual is in its final stages; currently undergoing local review, the deadline for comments is June 13, 2003. Produced under a grant from the US Forest Service, the draft Manual is available for review on the Department Website.

OTHER UPDATES

Virginia Water Resources Research Center

Judy Poff reported that Tamim Younos helped organized the Virginia Water Policy E-dialogue sessions that were held during the 14th Annual Environment Virginia conference. A team of experts representing water programs in Virginia state agencies, academia, and consulting firms developed the processes for holding a Virginia Water policy E-Dialogue based on initial direction provided by the Virginia Department of Environmental Quality. The team also developed guidelines on how to conduct the dialogue.

The dialogue was organized around four major categories: 1) water supply management, 2) source water protection, 3) beneficial uses of water, and 4) governmental collaboration. Each topic was further divided into several sub-categories for beneficial uses of water were: a) protect living resources, b) protect drinking water, c) maintain economic uses, and d) maintain recreation uses. Dialogue participants registered their water management objectives and preferences. The results were presented at the conference closing session. Results were displayed as bar graphs so the participants could see the overall priorities and the dialogue outcome. A full report is available at www.environmentva.org.

The first organizational meeting of the Virginia Water Statewide Advisory Board since its appointment by the Governor was held in Charlottesville on May 13. At this meeting, Terry Reid, Willey and Wilson, was elected chair and Ward Staubitz, USGS, was elected vice-chair.

The Call for Papers for the Annual Water Research Symposium has gone out to university researchers and state agency staff. This year, the Symposium will take place in Blacksburg, Virginia at the Donaldson Brown Hotel and Conference Center on the Virginia Tech campus. It will be held on October 8 – 10, 2003, and the theme will be general water issues.

The Water Center is to prepare a report on desalinization, and the team is looking into what is being done in other states. RFP's went out in late February and March, and decisions will be made on funding in late May.

DRY WELL REPLACEMENT PROGRAM

Wyatt Little from the Department of Housing and Community Development (DHCD) gave a report on the Dry Well Replacement Program, a part of the Community Development Block Grant (CDBG) Program. Todd Christensen directs this program, and specific questions may be directed to him at 804-371-7000. DCHD programs include areas of state housing and homeless, building codes, and community development.

More than 6,200 homes had depleted well water in 2002. This number represents the homes that had applied for well replacement permits by July 1st, but the actual number could be higher. The program objective is to provide a reliable source of water through deep wells or connections to municipal systems.

Two million dollars of funding comes from CDBG grants, and half a million dollars from Indoor Plumbing Rehabilitation programs. This funding is from reallocated DHCD money. DHCD maintains that they are providing a resource, not an answer for this situation. The General Policies of the program are that: 1) the CDBG funds are available now, 2) the replacement wells must be drilled, deep wells, 3) households must connect to public water system if available under \$5000 (which is the maximum for each household construction costs), 4) there are no funds for "tap" or "connection" fees, only for construction, 5) sub-recipients or counties must develop priorities for household waiting list, and 6) bidding options include: a) advertise individually, b) pre-qualify drillers and bid from list, and c) obtain unit cost from drillers and negotiate "best" response based on time and cost.

The criteria for eligible households include: 1) the source of water must be dry or have been unusable for a sustained period of time, 2) the household must have a gross income below HUD's Section 8 low-and-moderate income criteria of 80% of the area median, 3) the home must be owner-occupied, 4) in non-entitlement counties, eligible funding comes from DHCD, and 5) the county must have applied for assistance and received a contract.

The formal application includes a letter of submittal to DCHD that outlines the situation in their locality. Once the application has been approved, the money is sent to the locality. The locality then works with individual contractors within their communities. Some counties chose not to participate in the program, but that could change in the future if there is an increased need for the program.

The eligible activities within this program include permitting; drilling; installation of the well; associated costs of installing the well including grouting, housing, liner, pumps, and service lines; extension of the public water line and residential connections to public systems. The cost limits for the program are \$5,000 per house for eligible construction activities, and \$750 per house in administrative, legal, and other related non-construction costs. The financing

package guidelines include 1) all “ability to pay” loans, 2) up to \$1,000 “signature” loans, 3) \$1,000 to \$5,000 “secured” loans recorded deed for the entire amount, and 4) 0% interest over 10 years; amortized monthly. The administration for the program consists of the entity that operates housing rehabilitation programs in County, either local government, planning district commission, or non-profit corporation.

Subrecipient or agent implementation duties include: 1) execute a “pass through” agreement with the county, 2) solicit eligible households for a waiting list, 3) obtain bids or standard unit prices from well drillers, 4) execute Loan Agreement with homeowner/record lien, 5) get VDH permit, 6) obligate funds from DHCD (up to 5 per county at one time), 7) authorize well installation (set time period), 8) have County submit draw down to DHCD (no more than 30 days prior to drilling), 9) drill well, and 10) get certificate from contractor and pay now. All funding consisted of loans—there were no grants—and in some cases, loan forgiveness was granted for the dry well replacement program. There has been quite a bit of discussion regarding the fact that a lien is taken against a person’s house as part of the loan for this program, as well as whether this may have lessened participation in the program.

The municipality’s role for the program is to follow the procurement process which consists of: 1) the municipality to notify well drillers, 2) well drillers then answer the call, 3) submit a competitive bid, and 4) winning the bid is lowest and/or quickest response time. The streamlined government process is to: 1) pre-qualify by contacting at least four well drillers, 2) prequalified well drillers are allowed to bid on each new well, 3) municipalities hold money, and 4) the well driller is paid when the job is complete.

To date, 41 counties and 103 households have participated in the program. The average project cost per household is \$5,165.28. There is still 1.5 million dollars available for this program, and the agency hasn’t yet tapped into indoor plumbing funds, but people may still apply for this aspect of the program. At present, the money will still be available as long as it stays within the parameters of the program, but it may be reallocated after this year (but the program will continue as long as possible). An additional 400 dry wells could currently be replaced with remaining program funds.

IDEAS FOR 17TH ANNUAL REPORT

Steering Committee members brainstormed ideas for articles for the 2003 Annual Report. Members were asked to contribute their articles to the Institute for Environmental Negotiation (ChristineGyovai@virginia.edu) by July 1. Members were also asked to submit factoids, pictures, graphs, publications, web sites, and other new items of interest.

The Institute for Environmental Negotiation will prepare a draft Annual Report by the July 15 Steering Committee meeting. The proposed articles with proposed authors follows:

- Dry well replacement program – DHCD: Wyatt Little
- SWAP – VDH: Chris Adkins

- Drought and Results – DEQ: Terry Wagner; include Water TAC (Mary Ann will follow up)
- Water resources impact – DEQ: Allan Brockenbrough
- Ground water festival (and photos) – DEQ: Mary Ann Massie
- Springhead research – VPI: Tom Burbey
- VMI conference E-Dialogue – VWRRC: Judy Poff
- Governor's Summit and follow-up – Mary Ann Massie will ask Terry Wagner
- USGS updates: Randy McFarland
- Pesticide disposal/Recycling - VDACS: Dan Schweitzer
- Ag Stewardship Program – VDACS: Rebecca Askew
- Karst program – DCR: Jody Aston
- Other VWRRC activities: Judy Poff
- Security (including security procedure checklist) – VDH: Chris Adkins will follow-up
- VRWA updates: Josh Rubinstein
- CAP-IT - James City County: Mary Ann Massie will follow up